

# Draft amendment to the Kanab Land Use Ordinance dealing with Short term residential rental property.

## CHAPTER 4 SUPPLEMENTARY REGULATIONS

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### Draft #1 (8-18-16 BN)

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#### 4-33. Short Term Leases of Residential Properties.

1. **Purpose:** The purpose of this section is to promote the health, safety and general welfare of the residents of Kanab City by establishing zoning regulations for short term leases of residential property to ensure:
  - a) Protection of neighborhoods and the community, including compatibility with existing residences.
  - b) Promote the peace and quiet of residential neighborhoods, and preservation of property values.
2. **Definitions:** A Short Term Rental Property, also referred to as a Vacation Rental Property, is property which is used by any person or entity, for hostel, hotel, inn, boarding house, or other transient lodging use where the term of occupancy, possession, or tenancy of the property is for twenty-nine (29) consecutive days or less, for direct or indirect compensation. For this section, compensation means money, rent or other consideration given in return for occupancy, or use of the property.
3. Short term Residential Rental Properties (also known as Vacation Rental Properties) in residential zones cannot operate until they have met the following terms:
  - i) Must obtain a business license in accordance with Section 9 of the Kanab City General Ordinances.
  - ii) Any new structure built for the purpose of renting out must have a ten foot minimum set back.
  - iii) Any previously built accessory building converted for the purpose of renting must first have a ten foot minimum set back.
  - iv) Living space cannot be shared by more than one private renter (no separate bookings for any space that has common/shared living areas).
  - v) There must be an additional off-street parking space beyond the number of vehicles already normally parked at the property for every increment of four guests allowed to book.

- vi) Owners are responsible for enforcing the following rules, as well as informing all guests of such rules by posting them on the booking website and by including a physical copy at the rented dwelling:
  - a) Quiet hour from 10 pm to 7 am
  - b) No smoking outside anywhere within 30 feet of adjacent property.
  - c)

- 4. **Exception to the requirements of this section:** A single-family owner-occupied dwelling which is part of a Home Exchange where the owners are trading rights or money to use each other's home for a short-term period. The exchange is only for a dwelling which is usually owner-occupied, and the total number of home rentals or exchanges shall not exceed six home exchanges per year, unless a Conditional Use Permit is approved for more than six rental periods per year.

## **9-10 Short Term Rental Property**

It is unlawful for any person to keep, conduct, operate or maintain a "short term rental property" as defined in section 4-33 of the Kanab Land Use Ordinance within the city without a business license. The following requirements are in addition to the requirements of this section, and apply to both residential and commercial short term rental properties:

A. License Not Transferable: A short term residential rental property business license is not transferable between persons or structures. While a single owner can operate more than one vacation rental under the same license, each individual property must be inspected and must meet all short term rental requirements. Any person holding such license shall give written notice within thirty (30) days to the business license official after having transferred or otherwise disposed of legal or equitable control of any Short term residential rental dwelling unit licensed under this article.

B. Transient Room Tax: All short term residential rental properties shall be subject to the collection of the municipality transient room tax as allowed under Utah code.

C. Before a business license can be approved each year, the applicant must show proof of having paid all sales and TRT taxes for the previous calendar year regarding all bookings for each property under the business license. This proof can be shown by offering an accounting of all bookings for each short term rental, and a correlating receipt of paid taxes.

D. Garbage Removal: Garbage shall be removed from the property by the owner or property manager and properly disposed of within twenty four (24) hours of tenants leaving the property.

F. Cleaning Service: Each property shall be cleaned in between tenant occupancy. Each property shall also comply with the sanitary facilities requirements outlined for motels in Kanab City.

G. Local Property Manager Required: All short term residential rental properties shall designate a local property manager. The local property manager shall be available twenty four (24) hours per day to respond to tenant and neighborhood questions or concerns. Each short term residential rental property shall have a clearly visible sign within the unit containing the following information: the name and phone number of the local property manager, and the maximum occupancy of the unit,

H. Owner and Property Manager Responsible: The owner and property manager shall be jointly and severally liable for any violations of this article. Any short term rental which is found in violation of this article or any other requirement of this code may be subject to revocation of the short term residential rental properties business license, as well as any other remedies outlined in this Business License section.